IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 944 of 2007
Date of decision: 22.03.2007

Jasvinder **..... Petitioner.**

Versus

Rakhi Ram and another **..... Respondents.**

CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL

Present:- Mr. R.S. Mamli, Advocate
for the petitioner.

M.M.AGGARWAL, J. (ORAL)

This is petition against the order dated 27.01.2007 of Civil Judge (Junior Division), Jagadhari whereby petitioner-plaintiff was directed to pay ad-valorem Court fee as per the sale amount involved in the sale deed and also Court fee for the relief of possession.

On behalf of the petitioner, it is argued that suit is for possession of agricultural land and the Court fee payable is only ten times of the land revenue. It is further argued that the sale deed was got executed by way of fraud and in such circumstances, plaintiff- petitioner was not liable to pay Court fee. The judgment of this Court in case of **Shalimar Estate v. Davinder Kumar 2001(1) RCR (Civil) 500** has been relied upon.

I have gone through the facts of the case. Although the suit is for possession of agricultural land but further challenge is to the sale deed executed by the plaintiff-petitioner himself for a consideration of Rs.3,90,000/- in favour of the defendant. Even if there is fraud but the suit is decreed, it will amount to cancellation of the sale deed.

No good ground is made out to interfere.

Dismissed.

However, plaintiff-petitioner shall now be given one month time from today to make up good deficiency court fee.

March 22 , 2007 **(M.M. AGGARWAL)**
Dinesh **JUDGE**